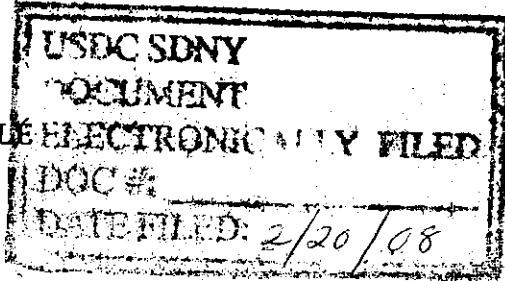
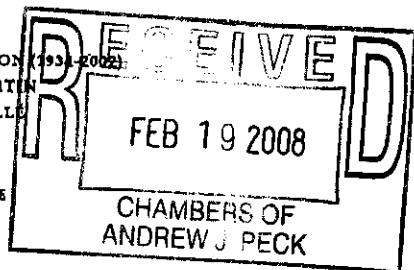


LAW OFFICES  
**MARTIN, FALLON & MULLÉ**  
100 EAST CARVER STREET  
HUNTINGTON, NEW YORK 11743-3593



THOMAS F. FALLON (100-2002)  
STANLEY G. MARTIN  
RICHARD C. MULLÉ

PETER D. GARONE  
LARRY M. SILAW



631 421-1211

SUSAN L. MARTIN  
MARYELLEN DAVID  
MICHAEL P. JONES  
STEPHEN P. BURKE  
DANIEL C. VASSALLO  
JOHN H. NELSON

TELECOPIER  
631 421-5659

February 15, 2008

Magistrate Judge Andrew J. Peck  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**BY FAX, MEMO ENDORSED** 2/20/08

Plaintiff is to allow photographs  
of a facial scar or any other scars or  
she will be refused for serving the  
same by fax. 2/20/08

SO ORDERED:

Hon. Andrew Jay Peck  
United States Magistrate Judge

gr for  
M. C. M.

Dear Magistrate Peck:

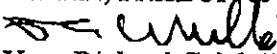
We represent the defendant Butler in this matter. The plaintiff's deposition was recently conducted on February 5, 2008. During the deposition the plaintiff testified that she sustained multiple lacerations which resulted in scarring. Plaintiff's counsel refused to allow the alleged scarring to be shown/viewed by our attorney at the deposition. Plaintiff's counsel also refused to consider providing photographs of the alleged scarring.

We have spoken to plaintiff's counsel, Jeff Koenig on February 13, 2008 and he reiterated his refusal to disclose the alleged scarring to defendant's counsel via plain viewing or photograph.

We request a discovery conference to address the issue. Alternatively, we will accept a stipulation from the plaintiff's attorney that no claim will be made for scarring and no mention of scarring will be made to the jury.

Very truly yours,

MARTIN, FALLON & MULLÉ

  
BY: Richard C. Mullé (2151)  
Extension 107

RCM:vc

CC: Jaroslawicz & Jaros, LLC  
Marjorie E. Barnes, Esq.

# FAX TRANSMITTAL SHEET



**ANDREW J. PECK  
UNITED STATES MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT**

Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1370  
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933  
Telephone No.: (212) 805-0036

Dated: February 20, 2008

Total Number of Pages: 2

TO	FAX NUMBER
Richard C. Mulle, Esq.	516-421-5439
David Jaroslawicz, Esq. Marjorie E. Bornes, Esq.	212-227-5090

## TRANSCRIPTION:

**MEMO ENDORSED 2/20/08**

**Plaintiff is to allow photographic or in person examination of her scars or she will be precluded from raising the issue before the jury.**